



D:\DATA\PSRT.wps

206865

December 12, 2002

Re: STB Docket No. AB-6 (Sub-No. 396X); BNSF Abandonment - Ottawa, Kansas

Vernon Williams
Secretary
Surface Transportation Board
1925 K. Street, N.W.
Washington, D.C. 20423-0001



Dear Mr. Williams:

Attached are:

- a letter requesting rail-banking of a 0.21 mile section of the Burlington Northern Santa Fe Railroad in Ottawa Kansas; and
- a check for the application fee in the amount of \$150.

The City of Ottawa requests that the application fee be waived, as we understand this can be done for local units of government. This request is a late filing, with the knowledge and support of the Burlington Northern Santa Fe Railway Company.

Please contact me if you have any questions.

Sincerely,


Andy Haney
Public Works Director

ENTERED
Office of Proceedings

DEC 16 2002

Part of
Public Record

FILED

DEC 16 2002

TRANSPORTATION BOARD

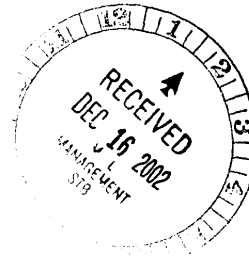
cc: Weldon Padgett, City Manager

FILING FEE WAIVED



December 12, 2002

Vernon Williams
Secretary
Surface Transportation Board
1925 K Street, N.W.
Washington, DC 20423-0001



Re: Burlington Northern and Santa Fe Railway Company Abandonment in Franklin County, Kansas
STB Docket No. AB-6 (Sub-No. 396X)

Dear Secretary Williams:

This request is filed on behalf of City of Ottawa, Kansas, which is a municipal government within the State of Kansas, hereinafter referred to as "proponent."

Proponent requests issuance of a Public Use Condition as well as an Interim Trail Use Condition, rather than an outright abandonment authorization between Milepost 58.05 and Milepost 58.26.

A. Request For Public Use Condition

Proponent asks the STB to find that this property is suitable for other public use, specifically trail use, and to place the following conditions on the abandonment:

1. An order prohibiting the carrier from disposing of the corridor, other than the tracks, ties and signal equipment, except for public use on reasonable terms. Justification for this condition is the continuation of the Prairie Spirit Rail Trail to the north side of the river. This enhancement will connect parks and other recreational opportunities on both sides of the river for pedestrians and bicyclists. This improvement will connect a previously constructed portion of the Prairie Spirit Rail Trail to significant historical sites and major parks and recreation locations. The time period sought is 180 days from the effective date of the abandonment authorization. Proponent needs this much time: to assemble or to review title information, complete a trail plan, or begin negotiations with the carrier.
2. An order barring removal or destruction of potential trail-related structures such as bridges, trestles, culverts and tunnels. The justification for this condition is that these structures have considerable value for recreational trail purposes. The time period requested is 180 days from the effective date of the abandonment authorization for the same reason as indicated above.

B. Request For Interim Trail Use

The railroad right-of-way in this proceeding is suitable for rail banking. In addition to the public use conditions sought above, proponent also makes the following request:

STATEMENT OF WILLINGNESS TO ASSUME FINANCIAL RESPONSIBILITY

In order to establish interim trail use and rail banking under section 8(d) of the National Trails System Act, 16 U.S.C. §1247(d), and 49 CFR §1152.29, the City of Ottawa, Kansas is willing to assume full responsibility for management of the subject rail right-of-way, for any legal liability arising out of the transfer or use of the subject rail right-of-way, and for the payment of any and all taxes that may be levied or assessed against the right-of-way owned by and operated by BNSF Railway Company.

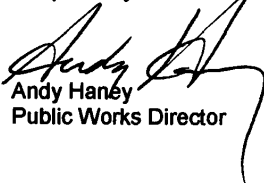
The property, known as the BNSF Railroad, extends from railroad milepost near 58.05 to railroad milepost near 58.26, a distance of 0.21 miles in Franklin County, Kansas. The right-of-way is part of a line of railroad proposed for abandonment in STB Docket No. AB-6 (Sub-No. 396X).

A map depicting the right-of-way is attached.

The City of Ottawa, Kansas, acknowledges that use of the right-of-way is subject to the user's continuing to meet its responsibilities described above and subject to possible future reconstruction and reactivation of the right-of-way for rail service.

By my signature below, I certify service upon BNSF Railroad, 2500 Lou Menk Drive, 3rd Floor, Fort Worth, TX 76131-2828, by U.S. Mail, postage pre-paid, first class, this 12th day of December, 2002.

Respectfully submitted on behalf of City of Ottawa, Kansas,


Andy Haney
Public Works Director

